

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MASOOD HYDER, as Administrator of  
the Estate of MOHAMED HYDER, Deceased,

**VERIFIED ANSWER**

Plaintiff,

Docket No.: 08 CIV 6446

- against-

Judge Robinson

STEVE J. KURUVILLA, M.D., ANDREW  
FRANCIS, M.D., STONY BROOK  
PSYCHIATRIC ASSOC., "EDMUND  
MURPHY, R.N." (*identified as person  
signing "Final Progress Note/Discharge  
Orders" and "Individual Discharge Order Plan"  
in Stony Brook Univ. Hosp. medical records  
on 12/21/07, and "JANE DOE, L.C.S.W."  
(name fictitious, full identity currently  
unknown, identified only as mental health  
care professional signing "Social Work  
Progress Note" in Stony Brook Univ.  
Hosp. medical records on 12/21/07,  
at 17:30),*

Defendants.

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Defendants, ANDREW FRANCIS, M.D. and "STONY BROOK PSYCHIATRIC  
ASSOCIATES, U.F.P.C., s/h/a STONY BROOK PSYCHIATRIC ASSOC.", by their attorneys,  
LEWIS JOHS AVALLONE AVILES, LLP., answering the Complaint of the plaintiff, upon  
information and belief, respectfully shows to this Court and alleges:

**PARTIES**

1. Defendants deny having knowledge or information sufficient to form a  
belief as to each and every allegation contained in paragraphs numbered "1", "2", "3", "12", "13",  
"14", "18", "19", "20", "21", "22" and "23" of the plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraphs numbered "6", "7" and "8" of the plaintiff's Complaint, in the form alleged.

3. Defendants deny each and every allegation contained in paragraph numbered "9" of the plaintiff's Complaint, except admit that Andrew Francis, M.D. was an employee of Stony Brook Psychiatric Associates, U.F.P.C.

4. Defendants deny each and every allegation contained in paragraph numbered "10" of the plaintiff's Complaint, in the form alleged and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

5. Defendants deny each and every allegation contained in paragraph numbered "11" of the plaintiff's Complaint.

#### **JURISDICTION**

6. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "24" of the plaintiff's Complaint, and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

7. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "25" and "26" of the plaintiff's Complaint.

8. Defendants deny each and every allegation contained in paragraph numbered "28" of the plaintiff's Complaint, and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

**VENUE**

9. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "29" of the plaintiff's Complaint, and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

**ANSWERING THE FIRST CAUSE OF ACTION**

10. Answering paragraph numbered "31" of the plaintiff's Complaint, defendants repeat and reiterate each and every denial heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "30" inclusive with the same force and effect as though more fully set forth at length herein.

11. Defendants deny each and every allegation contained in paragraph numbered "32" of the plaintiff's Complaint, in the form alleged.

12. Defendants deny each and every allegation contained in paragraph numbered "33" of the plaintiff's Complaint, in the form alleged and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

13. Defendants deny each and every allegation contained in paragraphs numbered "35", "35", "36", "37", "38" and "39" of the plaintiff's Complaint.

**ANSWERING THE SECOND CAUSE OF ACTION**

14. Answering paragraph numbered "40" of the plaintiff's Complaint, defendants repeat and reiterate each and every denial heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "30" inclusive with the same force and effect as though more fully set forth at length herein.

15. Defendants deny each and every allegation contained in paragraphs numbered "41", "43", "44" and "45" of the plaintiff's Complaint.

16. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "42" of the plaintiff's Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

17. The answering defendants herein deny liability; however, if a measure of damage of fifty percent or less is found against this answering defendant, then these answering defendants are entitled to the limitations of liability in CPLR Article 16.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

18. That this Court lacks jurisdiction over these answering defendants as they were not properly served.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

19. That any injuries sustained by plaintiff's decedent at the time and place mentioned in the Complaint, and any injuries sustained at said time and place which are alleged to have resulted in his death, were caused solely and wholly by reason of the intentional, careless, negligent, reckless and unlawful acts and omissions on the part of said plaintiff's decedent and were not caused or contributed to by reason of any carelessness, negligence, recklessness or unlawful acts or omissions on the part of these answering defendants.

**W H E R E F O R E**, defendants, ANDREW FRANCIS, M.D. and "STONY BROOK PSYCHIATRIC ASSOCIATES, U.F.P.C., s/h/a STONY BROOK PSYCHIATRIC ASSOC.", demand judgment dismissing the plaintiff's Complaint herein, together with the costs and disbursements of this action.

Dated: Melville, New York  
August 27, 2008

LEWIS JOHS AVALLONE AVILES, LLP  
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